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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/447,712	05/23/1995	JOHN C. HARVEY	5634.127	8860

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GOODWIN PROCTER LLP  
901 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20001

EXAMINER
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LE, BRIAN Q

ART UNIT	PAPER NUMBER
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2624

NOTIFICATION DATE	DELIVERY MODE
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10/26/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AAlpha-Kpetewama@goodwinprocter.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 08/447,712	<b>Applicant(s)</b> HARVEY ET AL.	
	<b>Examiner</b> BRIAN Q. LE	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,7,21,22,25-29,33,34,36-38,55,56,60,78,79,89,103-106,108-111,125,127 and 128 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. <u>10/07/2009</u> .                         |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date <u>5/5/03; 3/14/03</u> .   | 6) <input type="checkbox"/> Other: _____.                          |

Continuation of Disposition of Claims: Claims pending in the application are 6,7,21,22,25-29,33,34,36-38,55,56,60,78,79,89,103-106,108-111,125,127 and 128.

### DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters: Administrative Requirement as set forth below.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. As the application has closed on the merits, applicant is now required to make the submission to comply with the Administrative Requirement as followed: Applicants' compliance will take the form of one of the following actions:

- (1) filing terminal disclaimers in each of the related co-pending applications terminally disclaiming each of the other co-pending applications;
- (2) providing an affidavit attesting to the fact that all claims in the co-pending applications have been reviewed by applicant and that no conflicting claims exists between the applications; or
- (3) resolving all conflicts between claims in the identified co-pending applications by identifying how all the claims in the instant application are distinct and separate inventions from all the claims in the identified co-pending applications.

3. The Examiner's Amendment to the record appears below. Authorization for this Examiner's Amendment was granted by both attorneys, Thomas J. Scott Jr. (Reg. No. 27,836) and Carl Benson (Reg. No. 38,378) on 10/07/2009.

The Claims have been amended as follows:

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1-5. (Cancelled)

6. (Currently amended) A method of delivering a receiver specific program at at least one of a plurality of receiver stations, comprising using a computer to perform the following steps of:

generating a first control signal at a transmitter station;

receiving a second control signal at said transmitter station, said second control signal operative to communicate said first control signal; and

transmitting said first control signal to said at least one of said plurality of receiver stations in response to said second control signal, said first control signal effective at said at least one of said plurality of receiver stations to control a computer to ~~compute~~ perform a step for computing a receiver specific value by processing information stored in said computer, ~~generate~~ a step for generating a receiver specific signal based on said receiver specific value, ~~and output programming based on~~ a step for placing said receiver specific signal at a specific memory location, a step for outputting said receiver specific signal, a step for clearing said receiver specific signal from said specific memory location, and a step for delivering programming including said receiver specific signal in a period of time between said step for placing said receiver specific signal at said specific memory location and said step for clearing said receiver specific signal from said specific memory location.

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7. (Currently amended) A method of delivering a receiver specific program at at least one of a plurality of receiver stations, comprising using a computer to perform the following steps of:

storing a control signal and selected data at a transmitter station; and

transmitting a transmission including said stored control signal and said stored selected data, said control signal effective at said at least one of a plurality of receiver stations to control a computer ~~compute~~ perform a step for computing a receiver specific value by processing information stored in said computer, ~~generate a step for generating~~ a receiver specific signal based on said receiver specific value, ~~and output programming based on a step for placing said receiver specific signal at a specific memory location, a step for outputting said receiver specific signal, a step for clearing said receiver specific signal from said specific memory location, and a step for delivering programming including said receiver specific signal in a period of time between said step for placing said receiver specific signal at said specific memory location and said step for clearing said receiver specific signal from said specific memory location~~

8-20. (Cancelled)

21. (Previously presented) The method of claim 6, said method further comprising the steps of: originating an instruct signal at said transmitter station; and generating some portion of at least one of a computer program and a data module in response to said instruct signal-

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22. (Previously presented) The method of claim 6, wherein said receiver specific program includes a presentation of at least two instances of combined medium programming, said method further comprising the steps of:

transmitting a portion of each of said two instances of combined medium programming.-

23-24. (Cancelled)

25. (Currently amended) A method for controlling the transmission of a control signal from an intermediate transmitter station to a receiver station, comprising using a computer to perform the following steps of:

receiving, at said intermediate transmitter station, information regarding a first control signal; receiving a second control signal operative to cause a first computer at said intermediate transmitter station to select data and to communicate said first control signal to a memory of said computer based on said data; and

transmitting, to said receiver station, said selected first control signal, said selected first control signal operative at said receiver station to control a second computer to ~~generate~~ perform a step for generating a receiver specific value by processing information stored in said second computer, ~~generate a step for generating~~ a receiver specific signal based on said receiver specific value, ~~and communicate programming a step for placing said receiver specific signal at a specific memory location, a step for communicating said receiver specific signal to an output device based on, a step for clearing said receiver specific signal from said specific memory location, and a step for delivering programming including said receiver specific signal in a period time~~

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between said step for placing said receiver specific signal at a specific memory location and said step for clearing said receiver specific signal from said specific memory location.

26. (Previously presented) The method of claim 25, wherein said first control is generated at said intermediate transmitter station before said second control signal is received.

27. (Previously presented) The method of claim 25, wherein said step of transmitting said first selected control signal is based on a third control signal.

28. (Previously presented) The method of claim 25, further comprising the step of storing said selected first control signal at a storage device included within said intermediate transmitter station.

29. (Previously presented) The method of claim 28, wherein said transmitting step is performed at a specific time according to a third control signal.

30-32. (Cancelled)

33. (Previously presented) The method of claim 6, further comprising the step of receiving operating instructions at said transmitter station, said operating instructions effective to control a processor at said transmitter station, wherein said first control signal and said second control signal are processed by said processor under control of said operating instructions.



34. (Previously presented) The method of claim 7, further comprising the step of transmitting operating instructions to said computer, said operating instructions effective to control said computer, wherein said control signal is processed by said computer under control of said operating instructions.

35. (Cancelled) ~~A method of delivering a receiver specific program at a receiver station having a computer and an output device, said method comprising the steps of:~~

~~(a) receiving a broadcast or cablecast information transmission comprising a plurality of units~~

~~of programming and a control signal;~~

~~(b) communicating each of said plurality of units of programming to at least one of:~~

~~(1) said computer for processing; and~~

~~(2) said output device for delivery to a user;~~

~~(c) detecting said control signal in said broadcast or cablecast information transmission and passing said detected control signal to said computer;~~

~~(d) controlling said computer based on said detected and passed control signal, said step of controlling comprising:~~

~~(1) generating a receiver specific value by processing information that is stored in said computer;~~

~~(2) selecting at least one of said plurality of units of programming based on said receiver specific computer generated value; and~~

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~~(3) outputting said selected at least one of said plurality of units of programming; and  
(e) delivering a presentation of two or more units of programming, said two or more units of programming including said selected at least one of said plurality of units of programming.~~

36. (Currently amended) The method of claim 35 55 wherein ~~said selected at least one~~ a portion of said plurality of units of combined medium programming is delivered as printed text.

37. (Currently amended) The method of claim 35 55 wherein ~~said selected at least one~~ a portion of said plurality of units of combined medium programming includes audio, and said step ~~of outputting~~ for delivering comprises placing said audio into ~~said~~ audio RAM.

38. (Currently amended) The method of claim 35 55, ~~wherein said selected at least one of said plurality of units of programming includes information to be displayed in video, and said step of outputting~~ step for placing said receiver specific datum at a specific memory location comprises placing said ~~information to be displayed in video~~ receiver specific datum into a video RAM.

39-54. (Cancelled)

55. (Currently amended) A method of signal processing at a receiver station having a computer and an output device to deliver at the output device an output of combined medium

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programming including a receiver specific datum within a broadcast or cablecast program, said method comprising using said computer to perform the following steps of:

(a) receiving an information transmission comprising a broadcast or cablecast program and a control signal;

(b) selecting said received broadcast or cablecast program from the information transmission and transferring it to the output device for delivery to the user;

(c) detecting said control signal in the information transmission and passing said detected control signal to said computer; and

(d) controlling said computer based on said control signal, said step of controlling comprising:

(1) a step for generating a receiver specific datum by processing first information that is stored in said computer;

(2) a step for placing said receiver specific datum at a specific memory location of the computer;

(3) a step for communicating said receiver specific datum from said specific memory location to said output device; and subsequently

(4) a step for clearing said receiver specific datum from said specific memory location; and

~~whereby~~ (5) a step for delivering combined medium programming of said received broadcast or cablecast program including said receiver specific datum ~~is delivered~~ in a period of time between said step ~~of~~ for placing said receiver specific datum at said specific memory

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location and said step ~~of~~ for clearing said receiver specific datum from said specific memory location.

56. (Currently amended) The method of claim 55, wherein the step ~~of~~ for generating a receiver specific datum by processing information that is stored in the computer is achieved by executing a computer program which is loaded at said computer in response to said control signal.

57-59. (Cancelled)

60. (Previously presented) The method of claim 55, wherein processor instructions executed by said computer to perform said step of controlling are detected in the broadcast or cablecast information transmission.

61-77. (Cancelled)

78. (Currently Amended) A receiver station apparatus for signal processing to deliver combined medium programming including a receiver specific datum within a broadcast or cablecast program, comprising:

an output device, said output device for delivering said program;

a decoder for detecting control signals in an information transmission;

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a computer operatively connected to said output device and said decoder, said computer having a specific memory location, and for performing the following steps based upon said control signals:

(1) a step for generating a receiver specific datum by processing information that is stored in said computer;

(2) a step for placing said receiver specific datum in said specific memory location;

(3) a step for communicating said receiver specific datum from said specific memory location to said output device; ~~and subsequently~~

(4) a step for clearing said receiver specific datum from said specific memory location, and

~~thereby~~ (5) a step for delivering combined medium programming including said receiver specific datum during said broadcast or cablecast program in the period of time between said step for placing said datum at said memory location and said step for clearing said datum from said memory location.

79. (Currently amended) A method of communicating mass medium program material from a transmitter station to a plurality of receiver stations each of which includes a broadcast or cablecast program receiver, an output device, a control signal detector, a computer, ~~and with each said receiver station adapted to detect the presence of at least one control signal, to generate a receiver specific datum in response to a detected specific control signal, and to deliver at said output device combined medium programming including said receiver specific datum within a~~

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~~broadcast or cablecast program~~, said method comprising using a processor to perform the following steps of:

receiving at a transmitter station a program to be transmitted;

storing at said transmitter station a control signal which at said plurality of receiver stations operates to ~~generate control~~ each said computer to perform a step for generating a receiver specific value and to select, a step for selecting audio for output based on said receiver specific value, a step for placing said audio in a specific memory location, a step for communicating said audio to said output device, a step for clearing said audio from said specific memory location, a step for delivering at said output device said combined medium programming including said audio in a time period between said step for placing said audio in a specific memory location and said step for clearing said audio from said specific memory location; and

transmitting at a specific time an information transmission comprising said program and said control signal.

80-88. (Cancelled)

89. (Previously presented) The method of claim 79, wherein a controller at said transmitter station controls the passing of a specific received signal, said method further comprising the steps of detecting embedded information in said specific received signal and controlling the passing of said specific received signal on the basis of said detected embedded information.

90-102. (Cancelled)

103. (Previously presented) The method of claim 79, wherein a plurality of signals is received from one or more remote stations at said transmitter station and at least one is stored at said transmitter station which is operative to schedule transmission, said method further comprising the steps of adapting said transmitter station to store a schedule and causing said transmitter to transmit in accordance with said schedule.

104. (Previously presented) The method of claim 103, further comprising the step of causing said transmitter station to generate, in accordance with said schedule, at least portions of signals to be transmitted.

105. (Previously presented) The method of claim 79, further comprising the steps of: receiving at said transmitter station an information transmission from a remote station; detecting in the information transmission from said remote station an instruct signal; executing said instruction set at a transmitter station computer in response to said instruct signal; and

selecting, based on said instruction set, information to be processed at a receiver station or communicating information to be associated with said program.

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106. (Previously presented) The method of claim 79, wherein a controller at said transmitter station controls a memory location to communicate to said transmitter a selected control signal, said method further comprising the steps of detecting a first instruct signal which is effective at the transmitter station to instruct transmission, and inputting said first instruct signal to said controller thereby to cause said memory location to communicate a selected control signal.

107. (Cancelled)

108. (Previously presented) The method of claim 106, further comprising the steps of storing said first instruct signal at said transmitter station, and controlling said memory location to communicate a selected control signal at a scheduled time according to said first instruct signal.

109.(Previously presented) The method of claim 106, further comprising the step of controlling said memory location to communicate said program to said transmitter based on a second instruct signal.

110.(Previously presented) The method of claim 109, further comprising the steps of detecting a selected control signal communicated from said memory location and programming a controller to respond to a control signal communicated from said memory location.



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111. (Previously presented) The method of claim 106, further comprising the step of embedding first instruct signal in said program thereby to enable said controller to respond to said embedded said first instruct signal at a time when said program is being communicated.

112-124. (Cancelled)

125. (Currently amended) A transmitter station apparatus for processing a signal and communicating mass medium program materials to present at each of a plurality of receiver stations a combined output of a broadcast or cablecast program and a receiver specific computer generated datum, with each of said receiver stations having an output device for receiving and delivering the broadcast or cablecast program and other information, each said station also having a microcomputer with a specific memory location operatively connected to said output device for storing and outputting information to said output device, said transmitter station apparatus comprising:

a broadcast or cablecast transmitter for communicating to a plurality of receiver stations an information transmission;

a program input receiver operatively connected to said transmitter for communicating the program to said transmitter;

a memory or recorder operatively connected to said transmitter for storing and communicating a first control signal which at the receiver station operates to generate the receiver specific datum; and

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an input device operatively connected to said memory or recorder for causing said memory or recorder to communicate said first control signal at a specific time to said transmitter, thereby to communicate said program and said first control signal to said receiver stations and cause each of said plurality of receiver stations to deliver said program at its output device ~~generate by controlling said microcomputer to perform the step for generating~~ a receiver station specific datum, ~~place a step for placing~~ its receiver station specific datum at its memory location, a step for communicating said receiver station specific datum from its memory location to said output device, a step for clearing said receiver specific datum from its memory location for a period of time, and deliver a step for delivering a combined output of said broadcast or cablecast program and its receiver station specific datum ~~at its output device~~ in a period of time between said step for placing its receiver station specific datum at its memory location and said step for clearing said receiver specific datum from its memory location.

126. (Cancelled)

127. (Currently amended) A method of communicating mass medium program material ~~to a plurality of~~ at least one receiver stations ~~each of station~~ which includes a broadcast or cablecast program receiver, an output device, a control signal-detector, a computer with a specific memory location capable of communicating to said output device, ~~and with each said receiver station adapted to detect the presence of at least one control signal, to generate a receiver specific datum in response to a detected specific control signal and to deliver at said output device combined medium programming including said receiver specific datum within a~~

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~~broadcast or cablecast program~~, said method comprising using a processor to perform the following steps of:

receiving at a transmitter station a program to be transmitted;

generating data related to said program;

generating at said transmitter station a first control signal using said generated data which at ~~the~~ said at least one receiver station operates to ~~generate the control~~ said computer to perform a step for generating a receiver specific datum, a step for placing said receiver specific datum in a specific memory location, a step for communicating said receiver specific datum to said output device, a step for clearing said receiver specific datum from said specific memory location, and a step for delivering at said output device combined medium programming including said receiver specific datum in a period of time between said step for placing said receiver specific datum in a specific memory location and said step for clearing said receiver specific datum from said specific memory location;

receiving a second control signal; and

transmitting at least one of said program and said first control signal in response to said second control signal.

128. (Previously presented) The method of claim 127, said method further comprising the step of transmitting said second control signal to said transmitter station.

## **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 6, 7, 25, 55, 78, 79, 125 and 127, the Applicants have agreed to invoke 112, sixth paragraph by added the language "step for" to the significant limitations of the claims. Therefore, the prior art of records do not show the limitations "a step for placing said receiver specific signal at a specific memory location, a step for outputting said receiver specific signal, a step for clearing said receiver specific signal from said specific memory location, and a step for delivering programming including said receiver specific signal in a period of time between said step for placing said receiver specific signal at said specific memory location and said step for clearing said receiver specific signal from said specific memory location." (or similar in scope) in combination with other limitations of the claims.

Other claims are allowed because of their dependency on the independent claims.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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### **CONTACT INFORMATION**

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN Q. LE whose telephone number is (571)272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589 or Daniel Swerdlow 571-272-7531. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Q Le/  
Primary Examiner, Art Unit 2624

October 22, 2009